Appeal Suit- No 173 of 1894-95

Appellant-	Respondents-
Nadia	1 Kale Gowda
	2 Poothe Gowda

Dispute regarding the Patch of Kochankatti mysore Taluk

List of Papers

1 Appeal Petition

2 Depnl Commrs Judgt

3 Depnl Commrs docket

4 Official memo

5 Depnl Commrs Proceedings in English.

6 Ten. records

Mr Mr Record
Brahmin
Shekdar Khan
wife is a Hindu
Mahomedan
30/7/95

1894-95
C. R.,

File No. 147 of 94
Serial No. 1-15.

Sub:- Appeal of Madaiah, regarding the Patel of Kochanahalli Mysore Taluk

45 Amildar reports that the original correspondence referred to is not forthcoming in the Taluk records. He has, however, forwarded 4 papers in original (including the Shekdar's report in question) and 2 extracts from the Taluk Registers of 1874. An abstract of these is given below.

1. This is order No 215 dated 23rd June 74 from the Deputy Commr to the Amildar calling for a detailed report, as per verbal orders given that day, about the Patils of 12 villages in Kasaba Hobli, including Kochanhalli.

2. Under the above order, the Amildar issued order No 89 of 11th July 74 to the Shekdar of Kudnahalli to the effect that 6 months' time was given to three Patils for making themselves competent for Patili work, that after that period they should be sent before him and that the Patils of Kochan hall

and some other villages, or, if they and their Warasdars were incompetent; ~~the~~ persons competent and liberate should be sent with Shanbhogs. The Shekdar reported on 5th October 74 that he sent the said persons.

3. On 13th November 1874, the Amildar issued order No 218 to the Shekdar to the effect that persons were not sent in accordance with his previous order about Patels, and that he should attend to the following without any delay:—

(1) A competent man should be selected from among the inhabitants of Sakhahalli for the Patels of the village and sent before him, and a report should be submitted with a Mahazar

(2) Owing to the death of Made Gonda of Kochanhalli, his Warasdar or another should be selected and sent with a Mahazar.

(3) A similar report should be submitted regarding Madara.

Patel

P. F. 26 of 95

G. R. S. IX-5]

Previous references. 1894-95

~~192~~

(L. R.)

File No. 147 of 94

Serial Nos. 1-15

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-15

Major ~~Part~~ B for April 1897

SUBJECT.

Appeal of Madiah regarding the Pateli of Kochanhalli, Mysore Taluk.

Indexed

WD 2233—GPB—20,000—14-6-20

(7)

Memo

Appeal No 173 of 1894-95.

Appellant-	Respondents
Madaiya	1 Kali Gowda
	2 Cutti Gowda.

This is an appeal against the decree of the Deputy Commr of Mysore in Revenue Regular suit No 7 of 93-94 on the file of his court regarding the office of Patel of Kochanhalli in the Mysore Taluk.

The Appellant Madaiya instituted the suit in 1894 for recovery of the office from the 1st Respondent who has held it since 1874. The Deputy Commr held that the suit was barred by the law of limitation as it was filed by the Plaintiff when he was considerably over 21 years of age, and dismissed the suit chiefly on

8

seen and appointed to the office.

S.V.

Under the circumstances it seems necessary to refer to the Registers of Births & Deaths of the Village for the years 1870 to 1874 as to the date of the death of Robert Isaac Fowler of Rochampton, and of the birth of his son Medicate Fowler. The registers giving said events to be searched. He will then be sent up as early as possible

3/6/36

Draft sent
S.V. 3/6

that ground. The Deputy Commissioner dismissed the Plaintiff's appeal from exh. 1, Shekdar's report No 220 dated 15th November 74 in which it is stated that Mirade Ganti, Plaintiff's father died 3 years ago.

The appeal was heard before the 2nd and 3rd Councillors on 30th July 1895 and the records of which the Shekdar's report was a part were ordered to be sent for. They were accordingly called for in the office No 1572/P.7.2692 dated 6th August 95. The records received from the Deputy Commr with his letter No 454 dated 14th October 1895 being incomplete, he was requested to send the whole correspondence that led to the Khudakati Shekdar's report referred to and also the correspondence that took place subsequently upto the Karkhanis appointment to the office in question. In reply the Deputy Commr states that the

76

(4) A man should be newly appointed ~~for~~ to Chamundi Betta & not built a report.

4. On 16th November 74, the in reply to the above order, Sheristar submitted a report (No 216) to the effect that one Putte Gowda Kalegowda was elected for Sitchabalu, one Ramaiya for Chamundi Betta, that the case only 4 persons in Hadinagalli and that none of them was willing to become Patel.

Note This Kurchanballi is not at all referred to in this report. On this report the order is recorded thus -- "ಅಂಗೀಕಾರ ಸಹಿ ಮಾಡಿದೆ."

5. On the 18th Idem, the Sheristar submitted the report in question, viz. No 220. It does not refer to any correspondence. It is to the effect that Linge Gowda Patel of

Madanagalli died about 3
years back, that ——————
his widow and two young sons
lived in another village,
that one Nanjundaiya was
selected for the Patili of
that village; that Made
Gowda Patil of Kothanahalli
died three years ago, that
his Karanika Patte Gowda being
questioned and that he did
not want the Patili, that
Kalegowda, a competent resident
of the village might be appointed
to the office, and that both
these persons have sent to the
Taluk Kacheri

6. The Amildar submitted
a report to the Deputy Commr
on 25th November 74, in reference
to his order No 215, to the effect
that Kalegowda who was
produced (before the Deputy
Commr) with the Shekdari
report No 220 was personally

(9)

Bom 2713

of Bailiff - If for the recovery of the rates the mill is barred the improvements by the landowner and protect it -

The allegation of fraud is made for the first time. There is no reference at all in the Petition - appeal before us.

There are no grounds for review which is accordingly rejected

20/3/97

Petn Rr (Hd Clk)
20/3/97

I/C endorsement

22/3/97

CC cl-1.

10

(1)

Gen. Serial No. 32.]

1895

No. 3192

Name of Petitioner. [illegible]

Village. Madras - City

Taluk. Vep. S. Kanagasabai Pillai

District. Cuddalore

Date of Arzi. 29-5-95

Date of Receipt. 29-5-95

Date of Disposal.

No. of Enclosures. 1

ABSTRACT.

Appeal against the judgment
in petition dy. Jdge. of Cuddalore
in Civil Revision Petition No. 7
of 1895-96 - Petitioner Kali
of Kollapuram - Counter Kali

Petitioner deposited Rs. 100
Appellant against in Cuddalore.

Rs.

Stamp sufficient
In time

Subject to the Rules

CC
Postponement
called for
Urgent
10/6/95

Issue Notice of
Appeal with
10/6/95

Drafted JKR 11/6 R.R. 11-7-95-1

1801

1895

OFFICE OF THE DEWAN OF MYSORE. 18457 JUL. 95 Pet 772

From

The Deputy Commissioner,
Mysore District.

DR 1479-3

To

The ~~Chief~~ Secretary to the ~~Dewan~~ of Mysore.
Bangalore

Dated 28th
Despatched
Received } June 1895

Enclosures No. 2 files

No. 1523

Submitting the record connected with the appeal petition of Madiah of Hoochanahalli in the Mysore Taluk

RD
5-7-95

Issued 9/7

No. 1523

Enclosures No. 2 Nos

(2)

1b

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 28th June 1895.

From

The Deputy Commissioner,
of the Mysore District.

To

The ~~Chief~~ Revenue Secretary to the ~~Dewan~~ Government of Mysore.

Bangalore

SIR.

I have the honor to submit herewith the record connected with the appeal petition of Madiah of Hoochanahalli in the Mysore Taluk as requested in your Cir. No. 2eh/1801 of the 10th instant.

2. The petition and its enclosures received with the above memo are herewith returned.

I have the honor to be,
Sir,
Your most obedient Servant
[illegible]
Dy Commissioner
Mysore District

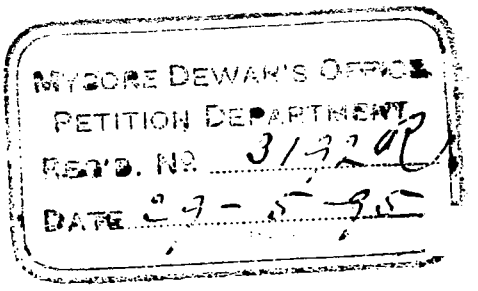
Compd

when Plaintiff was a minor does not deprive Plaintiff of his right.

7 The decision of the Lower Court is opposed to Law, weight of evidence and probabi of the Case.

29.5.1987
Bangalore

S Ramamurthy
Advocate for appellant



MYSORE COURT FEE

347 Sum. 21
25
17-8-96

Petition
Mode
29/5/95

A. 173 of 1894-95

Before the Governor of Mysore

Civil Appeal No. of 1894-93

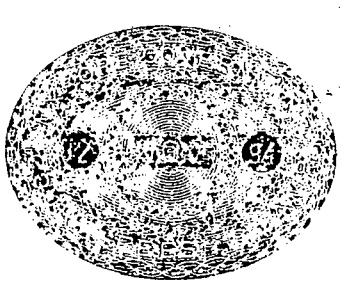
Madiah. Plaintiff. Appellant.

vs.

1 Kalay Gowda } Defendants. Respondents.
2 Pottay Gowda }

The Appellant above named begs to prefer this appeal to this Honorable Court against the Judgment passed by the Deputy Commissioner of Mysore in Regular Civil Appeal No. 70/1893-94 for the following reasons:—

1 The claim of Plaintiff is not barred by Law of Limitation



(4)

18

Gen. 31.1

REVENUE DEPARTMENT
Gl. No. 3192
1895 R 2039
15 OCT 95
Pet 29
DEWAN'S OFFICE

From

The Deputy Commissioner
of the Mysore District.

To

The Revenue Secretary to
the Government of
Mysore.

Dated 14th October 1895

Despatched

Received

General No.
No. 454

Enclosure No. Nine

Submitting the original record
regarding the patéli of the Kache
nahalli in the Mysore Taluk.

Recd 18/10/95
Does not return
Ref 18/10/95

(4) 19

No. 4574
Rev. 9

Deputy Commissioner's Office,
Mysore District,
Dated Mysore 14th October 1895

To

The Revenue Secretary to the Government
of Mysore.

Sir,

As required in your docket No. 1572 P.R. 7. 26. 95 dated the 6th August 1895, I have the honor to submit herewith the original record regarding the patéli of the Kochanahalli village in the Mysore Taluk.

2. The enclosures of the docket under reply are herewith retransmitted.

I have the honor to be,
Sir
Your most obdt. servant

Deputy Commissioner
of the Mysore District.

Compd. 1886

2 The petition given by the Plaintiff before suit and the enjoyment of the patrimonium held by the Plaintiff as his ancestors as found by the Lower Court save the case from Limitation

3 The report of Shukdar No I is not legally admissible in evidence and the Lower Court erred in presuming etc - Correctness in the absence of evidence -

4 The Lower Court having found that the evidence is vague and indefinite to the fact of the death of Plaintiff's father V as to the age of the Plff - erred in holding that the Plaintiff seems to have been more than 21 years old when the suit was brought

5 The Lower Court having found that the Plaintiffs' father was the Kudipidi Pattil & that Plaintiff was his son erred in holding that Plaintiff is not entitled to succeed his father.

6 The Plaintiffs' uncle having performed duties of Pattil for Plaintiff for a time when

(3) 17

LR147-94-4

To

The Deputy Commr
Bangalore District.

No 1572/P.T.26-95 dt 6-8-95

His letter No 15-23 dated 25th June 1895 submitting the records connected with the appeal of Gudaiah of Kothanahalli, Bangalore Taluk, regarding the Patel of the said village

With reference to the above he is requested that the enclosures of which the marginal notes, copies of which are herewith sent, may be forwarded to the office as early as practicable.

By Order
HSly 6/8
Revenue Secretary

Draft
C2x3

SN 4/8.

& Enclosures
1 Report dt 22nd & 18th November 1894 from the Sheristadar of Kothanahalli Kotte to the Amildar of Bangalore Taluk (Enclosure 1)
2 Bangalore Amildar's letter No 1918 dated 27th November 1894 to the Deputy Commr of Bangalore (Enclosure 2)

From

To

Dated

Despatched 9 [illegible]

Received

General No.

No.

Enclosure No.

Rev Depn
12/3/96

Petition Box
AD
12/3/96

Submitted
14/3.

Mr. Smith - prepare a precis of the papers which the Commissioner wished to see this day.

Rec'd 21-5-30 P.M.
SV.

RD for Mr. SV
2.4.96

29/5
Rec'd

Rec'd SV. 29/5.

Memo put up.
SV 2/6.

P.T. 26-95

24

1896.

RECEIVED 1 MAR 96 DEVENUE OFFICE

From

The Deputy Commissioner,
of the Mysore District.

To

The ~~Chief~~ Secretary to the ~~Govt~~ of M
Revenue & Genl. Depts.

Dated 10th
Despatched } March 1896
Received

Enclosures No. 1 file of V.P

No. 1136

Stating that the original correspondence connected with the Patels of Kochanahalli village in the Mysore taluk is not forthcoming in the taluk records, but extracts from the taluk register are submitted.

(5) Gen. 31.] 189 20

From

LR(1)7-94-6

To The Deputy-Commissioner Mysore District.

Dated 7th November 1895.

Despatched 12

Received

General No. 4543
P.F. No. 26-95

Enclosure No. Nine

His letter No 454 dated 14th October 1895, submitting certain records relating to the Patel of Kochanhalli in the Mysore Taluk

Has the honour to state that the records received with the above are incomplete and that some of the papers herein are unconnected with each other, and to request

that the whole correspondence that led to the Kudlahalli Shekdals report No 220 dated 18th November 1874, and also the correspondence that took place subsequently upto Kalbgundas appointment to the Patil of Kudlahalli may be transmitted to this office as early as practicable.

2. The enclosures of the above letter are returned.

By Order

Draft

7-11-94

Revenue Secretary

S.V. 7/11 BK 7/11

(6) 22

No. 436
Enclosures

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Cityore 10th March 1896.

LR 147-94-7

From,
The Deputy Commissioner,
of the Mysore District.

To,
Good
The ~~Chief~~ Secretary to the ~~Dewan~~ of Mysore.
Revenue and Genl Depts

SIR,

With reference to the correspondence ending with Secretary's docket No. 4543 dated 2nd November 1895, calling for the whole of that part of the correspondence in connection with the grant of the Kaimaramballi village in the Cityore taluk, entitled to the Kadumballi Sheikdari, exact No. 220 dated the 18th November 1895, I have the honor to state that the Amildar reports that the original correspondence referred to, is not forthcoming in the taluk records.

He

23

I do, however, forward
extracts from the Cadastral registers
of 1874-75 which are herewith
submitted, together with the
file of papers returned with
the above under reply.-

2. It will be seen from the
Extract entry No. 1018 dated 23rd
November 1874 that Rs 2,000 was
appropriated for the Cocoa-
nut Road recommended by
the Surveyor on the Special
Report No. 220, quoted above.-

I have the honour to be,
Sir,
Your most Obt. Servant,
A. Fitzherbert
Deputy Commissioner
of the Inner District

Comd.
Tilly

29 (11)

Proceedings of the Government of Mysore

Read:-

(1) Petition of appeal No. 3192/173 of 1894-95, presented by Madaiya of Kochanhalli, Mysore Taluk, against the decree of the Deputy Commr. of Mysore in Revenue Regular Suit x No. 7 of 1893-94 on the file of his Court, dismissing the appellant's suit for the Patali of Kochanhalli.

Plaintiff
Madaiya

Defendants
1. Kale Gowda
2 Putte Gowda son of 1st Deft.

LR 147-94-10

(2) Correspondence ending with Mysore Deputy Commrs. letter No 1487 dated 11th June 1896

(3) Records of the case received from the Deputy Commissioner

—"—

II Facts of the case

Plaintiff's father Made Gowda was the hakdar Patel of Kochanhalli. On his death, his brother Putte Gowda did the Patali duties for about a year and gave up the Office; whereupon, the 1st Defendant Kale Gowda, a stranger, was

was appointed as Patel in 1874.

(2) In March 1896, the Plaintiff filed this present suit to recover the Office from 1st Defendant on the ground that 1st Defendant had usurped it with the connivance of his uncle Puttaa. He urged that he was 20 years old at the date of suit, but the Depnty Commr held that he was considerably over 21 years of age and that therefore the suit was barred by Limitation. Hence this appeal to Government.

(3) The papers received with the Depnty Commissioner's letter No 1136 dated 10th March 1896 show that Plaintiff's father died three years prior to Novr 1874 and that Plaintiff's uncle Puttaiya (who appeared as the deceased's Waradar) declined to accept the Office. If as stated in the Plaint, plaintiff was 8 or 10 months old at the time of his

30

(295) Draft for reference

189

From

The ~~General~~ Secretary to the
Govt. of Mysore.

To

The Deputy Commr
Mysore District.

LR147-96-8

Dated 8th June 96
Despatched 5th
Received

General No 10574
P.Z. No 20-95
Enclosure No. 2086

His letter No 1136 dated 10th March 96 on submitting certain papers relating to the appeal of Madaiah of Hoolandalli, Nanjne Taluk, regarding the Patels of that village.

—ii—

With reference to the above he has the honour to ~~state that~~ request that under the circumstances, it ~~seems necessary to refer to~~ the Registers of Births and Deaths of the village for the years 1870 to 1874, ~~as to the~~ wherein reference to ~~ascertain the~~ date(s) of the death of Patel

Made [illegible] of the Village,
and ~~the~~ [illegible] of the birth
of his son Malaiya, and
~~[illegible]~~ that ~~[illegible]~~ that
since the date of the said
[illegible] may be communicated
to this office as early as
practicable.

By Order

Asstt
C 3

[illegible]
for Secretary.

S.V.
3/6.

Gen. 81

REVENUE DEPARTMENT
Gl. 9340
1 JUN. 1896
DEWAN'S OFFICE

From The Dy Commissioner
Mysore District

To The Secretary to the Govt
of Mysore
Revenue Dept.

Dated 11th June 1896.

Despatched

Received LR 147-949

General No.
No. 1487

Enclosure No. —

Submitting information as to the
Caste Marriage of the
death of Daiel Madegowda
and of the birth of his son
Nanjaya are communicable.

Submd.
Show cause why Govt order
No. 3592-8 dt 26-6-91
Ci. 58
not be cancelled in the
Gen Records.
RLC
7/6. Please ascertain if the
if this has been printed in any
of the monthly volumes of Prot
AS.
18/6/96
Slip sent to Gl. Records
20/6/96
do. to current Records
20/6

Rec. file No 72 of 1895 is herewith
submitted.
20/6 3/7

Submitted with reference to the
Govt Circular order directing
that the Register of births & deaths
from 1873 to 1895 shall be called for.
All the Circulars referred to by the
Govt are found in Pages 1 to 4 of Gen file
No. 72 of 1895, herewith submitted for
reference.
Dated 3rd July 1896
4/7/96
AS.
3/7/96
AS
4/7

Govt ground to interfere with
the Lower Court's decision
while it must
This appeal is therefore
dismissed
G.T. Rajah Rao
16/7/96

Section
1876
16/7/96

Submitted with Papers.
16/7/96
Section Clerk to Gen Records
17/7/96

34

12

LR 147-94-12

Endorsement issued on 17.8.96 by post.
This appln appears to have been made
before ret- for id- Refer him to that
Endorst & return stamp. 25/8

Encst and

25/8/96

No. 1497
Enclosures No. —

(9)

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 11th June 1896.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

With reference to your docket No. 8574 P.F. 26-95 dated the 5th June 1896, requiring, on the reference to the appeal of Madeya of Kodiamballi in the Nagara Taluk, regarding the Patéli of that village, that the registers of births and deaths of that village showing the dates (1) of the death of Patéli Madegowda and (2) of the birth of his son Madaiya may be forwarded, beg to state that they are not available as all the returns of births and deaths up to the year 1890-91 have been destroyed in accordance with the orders of Government in Memorandum No. 3592-8 Ci 58 of the 26th June 1891.

2.9.1795

I have the honor to be,
Sir,
Your most obedient servant
[illegible]
Dy. Commissioner
Mysore District

41

No 1722.
P.F. 26-95
Land 142 Vers files.
A/15/17 - 8 - 96.

failure death, he was about 22 years old at the date of the suit.

Decision of Govt

Government see no ground to interfere with the decision of the Lower Court, which is correct, & the appeal is therefore dismissed.

Redraft
C 223

13/8
A Secretary

2o The Deputy Commissioner Mysore District with the entire records and copy of Govt order granted to the parties

2°-2-9
H. Jeevaraj

2°-2-

To the
Dewan of Mysore
1897

No:
8/2/97

The Dewan in Council of the
Government of Mysore

Petitioner
Madayya (Plaintiff-respondent)
Counter Petitioner

2505-0
2-2-97

1. Kala Gowda } Defendant
2. Putty Gowda } Respondents

In re: Appeal No: 3192/173 of 1894-95

The Petitioner begs to state as follows:-

In the proceedings of Govt:- No:- 1722 dated 13th: August 1896 a copy of which is herewith filed, the Petitioner's appeal is dismissed confirming the view of the Deputy Commissioner that the petitioner's claim is barred by limitation.

The petitioner's case is that his father died while the petitioner was an infant, that his uncle Putty Gowda was doing the duties of Pately which the Petitioner inherited from his father, and that in order to defraud him, the said Putty Gowda was able to give up the Hak in favour

favour of the 1st defendant, and under misrepresentation of the village officials and without the knowledge of the existence of the petitioner the Government appointed the 1st defendant as Patil of Kochanalli in 1894 and the prayer of the petitioner has been to cancell this appointment made upon misrepresentation and to appoint the petitioner to his Hakdari office.

3. Although the duties were being performed by the defendants, the petitioner was enjoying the Inam lands and in 1897 an enquiry was held as to the Inam lands by the Taluk authorities and that this enquiry led the petitioner to discover the fraud committed against his rights and immediately the petitioner made an application to the authorities to restore him to the Patilky and that he was accordingly recommended for the appointment, but he was ultimately referred to file a regular suit.

4. These circumstances will show (1) that the petitioner discovered the fraud

(10)

37

LR147-94-11

ನಂ.

ಆಯುರ್ವೇದ ಪಂಡಿತರುಗಳ ನೇಮಕಾತಿ ಬಗ್ಗೆ

ಬೆಂಗಳೂರು ದಿನಾಂಕ 18/6 ಸಹಿ/-ಗಳು

By order

Re Draft 13/8

For Secretary

ನಂ

ಸ್ವದೇಶಿ ಔಷಧಗಳನ್ನು ಎಲ್ಲಾ ಆಸ್ಪತ್ರೆಗಳಲ್ಲಿ

ಉಪಯೋಗಿಸಲು ಪ್ರೋತ್ಸಾಹಿಸುವ ಬಗ್ಗೆ

ಆದೇಶ ಪತ್ರಿಕೆಗಳನ್ನು ಕಳುಹಿಸಿರುವ ಬಗ್ಗೆ

ಮತ್ತು ಪ್ರಚಾರಕ್ಕಾಗಿ, ಇವುಗಳನ್ನು

ಸಂಬಂಧಪಟ್ಟ ಡಿಸ್ಪೆನ್ಸರಿಗಳಲ್ಲಿ

ಬೆಂಗಳೂರು

By order

Re Draft 13/8

For Secretary

Copied
Thej

Abstract of the Index (8d) U.R.T. 2/2/97

Needful References

Ltr

DT 26 of 95 to be set up

AK 8/2

Application for review of order passed by the 2nd and 3rd Commissioners

Ltr 9/2/97

SR 14794 15

1 [Application for review of a decree in Regular appeal
Hence the Stamps must be 5 rupees.
~~the papers~~ insufficiently stamped.

2. order passed on 12th August '96.
Copy given on 3rd Sept '96
3 months expired (at the least)
on 3rd December
Ap Review out of time
Expl. wanted
Return with the above.
endorsement
MM 9/2/97

Endorsement given back to the vakil this day
10/2/97

Case to be laid with Record
12/2

(13)

1897

No. 2505

Name of Petitioner Madayya

Village residing in Ranganna's house

Taluk No 1264 Devarajaya street

District Mysore

Date of Arzi

Date of Receipt 2-2-97

Date of Disposal

No. of Enclosure 1

ABSTRACT.

With reference to Govt Resp: No 1722 & 13-8-96
D. P. 26-95

Confirming the decision of the respondent that the petrs claim for the Patell of Kadakeerahally was barred by limitation, petr submits that he was an infant at the death of his father and uncle whereas they declaring the duty with intent to deprive him of this office did not intermeddle in the

Transd. 16.2.97
2/2/97 The lis tenders stamp
& one four Rupees
2713 Is stamps are affixed
to the original petn.

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
RECEIVED 2713R
DATE 4-3-97

The Dewan in Council of the
Government of Mysore.

Petitioner Madayya begs to state as follows.

1 His petition ~~refu~~ was refused for not affixing 10 ℔ stamps. So that amount of stamp is now produced.

2 The explanation for delay is as follows.

The petitioner lives in a village. The petition was to be written in English just when there were a few days for presenting the review. He fell sick and was laid ridden with fever. After he recovered he took some time to get the petition ready. It is said that when full stamps is paid, the delay may be excused. The petitioner, if called upon to prove his illness, will prove it.

& mark of Madayya
Residing in Ranjappaji
House door no: 1244 Devategay
Taluk Mysore.

19th February 1897

name of his son; and
the first came to know the
trick played on him only 45
in 1891 when he at once
complained of the fraud.
He was then ordered to get
the matter disposed of by means
of a regular suit —

In this state that he has
been enjoying the Crown land
attached to the office and that
his suit was in time.

Says that Mr Gorst
Rep. may be kindly re-
- considered and orders
passed granting him his
husbandi Patili.

Enclosure —

a copy of Mr Gorst
Rep. referred to above.

RL.
5/2/97

Gazetted in 1891; (2) that he became
proceeded in the Revenue Miscel-
laneous Department and that
he was misled by the recommend-
ation made for his appointment;
(3). that the Government having
taken away his Gazetted appoint-
ment and given it to Defendant,
his possession of the office was
under order of Government and
not as a wrong doer and was not
adverse to the petitioner, till 1891
when petitioner was referred to
a regular suit, and that the ex-
tinction began from the date
when the recommendation for peti-
tioner's appointment was disre-
garded.

5. Under similar circumstances
the Government have been pleased
to send out of consideration the
question of limitation, so much
so that petitioner was under
the impression that limitation
law was not applicable to Revenue
proceedings.

6. It would be fixed to the
petitioner to say that the petition-
er's right to claim an Gazetted
office from Government which
has

has nominated another person
[illegible] of the petitioner is barred
and yet for the Government to
say that there is no limitation
to resume the Grant attached
to the office and in the long-
continued enjoyment of the
petitioner.

6. It has been clearly established
in the case that the petitioner's
existence has been ignored when
the Government appointed the
defendant in 1874, that he had
the Pakt to the Pally and pres-
ently he has been deprived of
it, came to the petitioner's know-
ledge only in 1899 and that
therefore his suit, if limitation
is applicable to it at all, is with-
in time under section 18 of the
Limitation Act.

Under these circumstances
the petitioner respectfully prays
for a review of the Government
order and to take a favour-
able view of the petitioner's
claim for allowance at least
after the death of the Defendant.

Mark of Thakur
residing Nanjahpas House Door No 1244
Devrajgay Bazar City

Reference

Rep

No 2605-95

LR 1447-94-14

The above file sent with
M/C
13/3.
subsequent note on page 2505

Explanation for delay & proper stamps affixed

Rep 3

1) Stamp papers

2) out of time by about 2 months
Pet[1] explains the delay
due to illness

3) Appl[n] for review of order
dismissing Pet[1]'s suit for
recovery of Rental land

4) Court of case

Grounds of review

(1) That he was fraudulently
kept away from the
Knew the fraud only last
(2) Had a portion of the land
sold by the Collector

R 5.30 Pm
16/3/97.

The application
and decision
appeal to the Office
(182)

44 (14) 189 7

No. 2-3

Name of Petitioner

Village

Taluk

District

Date of Arzi

Date of Receipt 4-3-97

Date of Disposal

No. of Enclosure 2

ABSTRACT.

3) 8 [illegible] up notice
the stamp and explanation
delay was caused by his serious
illness just when he was
time prefixed for appeal
which would have [illegible]
[illegible]

Grounds that the order
sustained may be reconsidered
[illegible]

B.C
8/3/97

Enclosures
(1) his previous Rev
Petn no. 2505
(2) copy of [illegible]
cited above
(all in English)

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(15)

No. 2505-2713-

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

The 5-4-1897

Endorsement granted to Ranganna Narasayya residing in Mysore

in reply to his Petition Registered No. 2505 dated 13-12-1896 praying for a review of the orders passed on P.D. No. 1722 dated 2-12-1896 regarding the Patta of Srirangapatna, Mysore Taluk.

Petitioner is informed that there are no grounds for a review of the orders referred to and his application is accordingly rejected.

2- The enclosures of his petition are herewith returned.

LR 147-96-15

'By Order'

Asst. ~~Chief~~ Secretary.

M.G.C.P.B—19-2-95—1,000

C2

5-4-97

Sun

30/3/97.